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12 United States of America

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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16
17 UNITED STATES OF AMERICA, Plaintiff,
18 v.
19 JERRY CISNEROS, Defendant.

20 CASE NO. 1:22-cr-00329-NODJ-BAM
21 STIPULATION REGARDING EXCLUDABLE
22 TIME PERIODS UNDER SPEEDY TRIAL ACT;
23 AND ORDER
24 DATE: January 22, 2025
25 TIME: 1:00 p.m.
26 COURT: Hon. Barbara A. McAuliffe

27
28 **STIPULATION**

29 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
30 through defendant's counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for status conference on January 22, 2025.
32 2. By this stipulation, defendant now moves to vacate the status conference, set the case for
33 a change of plea hearing April 7, 2025, and to exclude time between January 22, 2025, and April 7,
34 2025, under 18 U.S.C. § 3161(h)(7)(A), B(iv).

35 3. The parties agree and stipulate, and request that the Court find the following:

36 a) The government has represented that the discovery associated with this case
37 includes investigative reports, several cell phone extractions, photographs, and other evidence.
38 All of this discovery has been either produced directly to counsel and/or made available for
39 inspection and copying.

b) The parties have been engaged in settlement discussions and based on those discussions, the government has provided the defense with an offer that the parties expect will be signed before the change of plea hearing.

c) Counsel for defendant desires additional time to meet with his client, conduct independent investigation, review the discovery, and consider the government's plea offer.

d) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) The government does not object to the continuance.

f) An ends-of-justice delay is particularly apt in this case because although the defendant is detained pending trial, he is also currently serving a state prison sentence.

g) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of January 22, 2025 to April 7, 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

1 Dated: January 15, 2025

MICHELE BECKWITH
Acting United States Attorney

5 Dated: January 15, 2025

6 /s/ JUSTIN J. GILIO
7 JUSTIN J. GILIO
8 Assistant United States Attorney

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11 /s/ Mark Coleman
12 Mark Coleman
13 Counsel for Defendant
14 JERRY CISNEROS

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ORDER

17 IT IS SO ORDERED that the status conference set for January 22, 2025, is vacated. A change of
18 plea hearing is set for **April 7, 2025, at 8:30 a.m. in Courtroom 5 before the District Court Judge**.
19 Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv). The Court also sets a status conference
20 for **March 26, 2025, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. If
21 the parties file the plea agreement in advance of March 26, 2025, the Court will vacate the status
22 conference.

23 IT IS SO ORDERED.

24 Dated: January 15, 2025

25 /s/ Barbara A. McAuliffe

26 UNITED STATES MAGISTRATE JUDGE